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Important Laws of Indiana

RELATING TO

Public Libraries

AND THE

Public Library Commission

REVISED EDITION

INDIANAPOLIS
THE PUBLIC LIBRARY COMMISSION OF INDIANA
1915



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HARVARD COLLEGE LIBRARY
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Feb 5, 1936

THE PUBLIC LIBRARY COMMISSION OF INDIANA.

The Public Library Commission, by whom this pamphlet is published, is a department of the state government established for the purpose of furthering library extension. Its business is to encourage the organization of public libraries in the different parts of Indiana, to assist in their development, and to circulate free traveling libraries to clubs, societies, schools, etc., which do not have access to good local libraries. Its services are free. Anyone interested in the establishment or improvement of a public library, or in borrowing traveling library books, is invited to write the Secretary at 104 State House, Indianapolis.

MEMBERS OF THE COMMISSION.

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CARRIE E. SCOTT, Assistant State Organizer.
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HELEN DAVIS, Librarian, Traveling Libraries.
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NOTE.

The laws printed in this pamphlet are those most often used. There are others under which libraries may organize, but they ought not be taken advantage of except where unusual conditions make it necessary.

PUBLIC LIBRARIES.

(Act of 1901, as amended by acts of 1903 and 1911.)

SECTION 1. Be it enacted by the General Assembly of the State of Indiana, That the common council of any city or the town board of any incorporated town within this state desiring to establish, increase and maintain a public library in such city or town, open to and for the use and benefit of all inhabitants thereof, may levy a tax annually of not to exceed one mill on each dollar of all the taxable property assessed for taxation in such city or town, as shown by the tax duplicate for the year immediately preceding the fixing of such levy, which tax shall be placed on the tax duplicate of such city or town and collected in the same manner as other taxes are levied and collected, and such levy shall be certified to the clerk of the circuit court. If the common council of such city, or the town board of such incorporated town, do not make such levy, they shall do so at the next ensuing levy, and annually thereafter, after taxpayers of such city or town raise by popular subscription for each of the two years immediately following the date of completion of such subscription, a sum of money equal to the amount that would be derived from a tax levy of two-tenths of a mill on each dollar of the taxable property assessed for taxation in such city or town, as shown by the tax duplicate immediately preceding the completion of such subscription: Provided, That no more than two per cent. of the entire amount necessary to be subscribed shall be subscribed by any one person, firm or corporation of such city or incorporated town. The amount of money so subscribed as herein provided, for library purposes, shall be made to fall due and be payable in eight equal quarterly installments. The first installment shall become due and payable on the first Monday of the second month following the date of the completion and filing of such subscription, as hereinafter provided, and one installment shall become due and payable on the first Monday of each third month thereafter, till all of such subscription is paid. The subscription shall be collected by the public library board, hereby created, as hereinafter provided.

SEC. 2. The subscription list for said money shall be filed with the clerk of the circuit court of the county in which such city or incorporated town is located. The said clerk of the circuit court, immediately thereafter, shall notify the judge of the circuit court of said county that such subscription has been filed, and he shall likewise notify the common council or town board and the board of school trustees of such city or town proposing to establish a public library, that said subscription has been filed. The original subscription list shall be preserved by the clerk of the circuit court and by him placed in the hands of the public library board, when the board shall have been appointed as hereinafter provided.

SEC. 3. Within ten days after said judge of the circuit court shall have been notified, as above provided, that such subscription list has been

filed with the clerk of the circuit court, if one has been filed to secure the levying of such tax, or that the common council has certified to such clerk that the levy as provided herein has been made, it shall be the duty of said judge to examine such subscription list and if it be found that an amount of solvent subscription has been made equal to the amount required by section 1 of this act, then he shall order a copy of such subscription list spread upon the records of said court, and he shall appoint three persons, residents of such city or town, as members of such public library board, one of whom he shall appoint for one year, one for two years and one for three years, from the date of their appointment, and after the first appointment all appointments made by the judge of the court shall be for a period of two years; and all appointments so made by the judge of the court shall be entered in the order books of said court. Within ten days after the common council or the town board and the board of school trustees shall have been notified, as in section 2 of this act, each body shall appoint two persons also residents of such city or town, not otherwise appointed as members of such board, who shall become members of such public library board. The members so appointed by the common council or town board for the first appointment under this act shall serve for a period of one year, and after the first appointment all appointments made by the common council or town board shall be for a period of two years. The board of school trustees shall appoint its members for a term of two years, who may be from their own board. If the township advisory board of any township shall levy and collect for library purposes five-tenths of a mill on each dollar of all the taxable property assessed for taxation in said township, as shown by the tax duplicate for the year immediately preceding the fixing of such levy, exclusive of the property of such city or town already taxed for said library, and pay the same over to the treasurer of such city or town where such library is located, then in such case the township trustee shall, ex-officio, be a member of such public library board, and such township trustee shall appoint one person, a resident of said township, not otherwise appointed, as a member of said public library board, who shall become a member of such public library board, and such appointment by such township trustee shall be for a period of two years, and all members of such public library board appointed as herein provided, shall serve until their successors are appointed and qualified: Provided, That women may be eligible to appointment as members of such library board, and not less than three of the members appointed shall be women. The judge, common council or town board, the board of school trustees, the township trustee, in making the appointments, shall select persons of well known probity, integrity, business ability and experience, and who are fitted for the character of the work they are to perform, and who shall have resided for a period of not less than one year, immediately preceding their appointment, in the city or town for which they are appointed in the case of members appointed by the judge, common council or town board and school trustees, and in the township in the case of the member appointed by the township trustee as hereinbefore provided, and who shall not be less than twenty-five years of age at the time of appointment, and who shall serve without compensation for service. In case of vacancy on such board from any cause, it

shall be the duty of said judge, common council or town board, board of school trustees and township trustees to fill such vacancy occurring in the membership appointed by each respectively.

SEC. 4. All appointments to membership on the public library board shall be evidenced by certificates of appointment duly signed by the judge as to members appointed by him, by the mayor or president of the town board, the president of the board of school trustees and the township trustees as to members respectively appointed by them, which certificates of appointment shall be handed to or mailed to the address of the appointee. Within ten days after receiving such certificates of appointment such appointees shall qualify by taking the oath of office before the clerk of the court that such appointee will faithfully discharge the duties as a member of the public library board to the best of his ability, and shall file such certificate, with the oath endorsed thereon, with the clerk of the circuit court of the county in which such library is to be established.

SEC. 5. Within five days after all the members of such board shall have been appointed and qualified they shall meet and organize by electing one of their number president, one vice-president and one secretary, and shall select such committees or executive board as they may deem necessary to carry on the work of the board.

SEC. 6. The seven members thus appointed shall constitute and be known as the public library board, and shall have the control of the public library funds and the custody and control of all of the books and other property of every name and description, and shall have the power to direct all of the affairs of such public library; and such public library board, in the name of the library, shall be empowered to receive donations, bequests and legacies, and to receive and convey real estate for and on behalf of such library, and shall be entitled to receive from the Public Library Commission copies of all documents and publications of the state available for distribution. They shall have the power to make and enforce rules for the management of such libraries as they may deem necessary, and to employ librarians and assistants.

SEC. 7. When such public library board shall have organized for the transaction of business, there shall be placed in its hands by the clerk of the circuit court the original subscription list, if any has been made for the procuring of the levy of the tax as herein provided, and it shall be the duty of such library board to collect quarterly all money subscribed, as the same becomes due, as provided for in section 1 of this act, and pay the same over to the treasurer of such town or city, and to expend the same in the establishment, equipment, enlargement and management of a public library in the manner as provided for in section 8, which shall be open to and for the use and benefit of all the inhabitants of the city or town in which the same is located, and such library board may use such sum for the purchase of a building site and the erection of a library building, as the board may decide. It shall be the duty of such library board to determine the rate of taxation that shall be necessary to establish, increase, equip and maintain the public library and certify the same to the common council or town board and the county auditor: Provided, That said levy shall not exceed one mill on each dollar of all the taxable property assessed

for taxation in such city or town, as shown by the tax duplicate for the year immediately preceding the fixing of such levy. When the assessment for such public library purposes shall be certified to the common council or town board and the auditor, by the public library board, the same shall be placed on the tax duplicate of such county and city or town and collected in like manner as other taxes are levied and collected.

SEC. 8. The tax so levied as provided for in sections 1 and 7 of this act shall be held and kept as a separate fund by the treasurer of such city or incorporated town for public library purposes, as herein provided, and he shall pay out of the same for public library purposes only upon the warrant of the president of the library board, countersigned by the secretary thereof. The treasurer of such city or town shall be liable on his official bond for the faithful performance of the duties imposed upon him by this act.

SEC. 9. (Superseded by act of 1911; see this pamphlet, p. 10.)

SEC. 10. If any city or incorporated town in this state where a library of the value of an amount equal to the amount of money that would be derived from a tax levy of three-tenths of a mill on each dollar of valuation of taxable property within such city or town assessed for taxation, as shown by the preceding tax duplicate of said city or town, is already established and maintained under the existing laws of the state, and whenever the managing board of such library already so existing and maintained shall tender the ownership, custody and control of said library free of expense to such public library board for the use and purpose of a public library, as contemplated by this act, which tender of custody and control thereof shall be evidenced by a certificate issued by the managing board thereof and filed in triplicate with the clerk of the circuit court of the county wherein said city or town is located, with the clerk of said city or town and the secretary of the board of school trustees, in the manner and form as prescribed in the certificates of popular subscription contained in section 2 of this act, which certificate shall show the value of such library, a public library board shall be appointed in the manner as set forth in this act, except such board shall be appointed only when the common council or town board has decided by a majority vote of the members thereof to accept such library and to levy annually and collect a tax as other taxes are levied and collected, and not to exceed one mill on each dollar of valuation of taxable property of such city or town, as herein specified. Said council or town board shall certify its said decision of acceptance, attested by the clerk of said city or town and the mayor of such city or the president of such town board, to the judge of the circuit court and the secretary of the said board of school trustees, whereupon said judge, city council, or town board and board of school trustees shall proceed to appoint said public library board in the manner and form and to all intents and purposes as is done by the voluntary levy of such tax by the council or town board, or the popular subscription filed with the clerk of the court as hereinbefore provided.

SEC. 11. The judge of the circuit court, the common council or town board and the board of school trustees may at any time, for cause shown, remove any member of such library board that may have been appointed

by each, respectively, and fill the vacancy occasioned thereby as provided for in section 3 of this act.

SEC. 12. The treasurer of such city or incorporated town, operating libraries under this act, shall make and file with the common council or the town board thereof, not later than the 15th day of January of each year, an itemized statement under oath of all of the receipts and disbursements of such public library board for the year ending December 31, immediately preceding the making and filing of such report, and such report shall contain an itemized statement of the sources of all receipts, all disbursements made and the purpose for which the same were made, and such annual reports shall be opened to inspection of the citizens of such city or town, and also the township in which such city or town is located, providing the township has complied with the provisions of section 9. herein.

TOWNSHIP SUPPORT.

(Act of 1911.)

SECTION 1. Whenever the library board of any public library established in any city or incorporated town in this state shall file notice with the township advisory board of any township or townships, in which such city or town is located, or of any neighboring township in the same county, of consent of such library board to make such library open and free to all the people of said township or townships, on the condition of the said township or townships contributing to the support of such public library, such advisory board shall, upon petition of fifty taxpayers residing in any said township owning real estate in said township not already taxed for such library, make an annual appropriation and levy a tax of not less than five-tenths of a mill, and not more than one mill, on each dollar of taxable property in said township, exclusive of the property of such city or town already taxed for such library, and collect and pay the same over to the treasurer of such city or town where such library is located, to be held by such treasurer as part of the library fund to be paid out only on warrants signed by the president and secretary of such library board: Provided, That the advisory board may levy such tax and make such appropriation without such petition: Provided, further, That in any township in this state where the public library in any city or incorporated town is now open and free to the people of such township under any existing law of this state, and it appear by certificate of the library board of such public library, filed with such township advisory board, that at least one-tenth of the families of the taxpayers of such township, outside the limits of such city or town, are users of such library, such township advisory board shall make such appropriation and levy without such petition: Provided, further, That where any township coming under the provisions of this act owns a township library and levies a library tax therefor, it shall be discretionary with the advisory board of such township whether such tax for such city or town library shall be levied. Said library shall remain open and free to the people of any such township or townships so long as the families of one-tenth of the taxpayers in said township or townships outside the limits of said city or town are found to be users of said library, or when less than one-tenth of the families of the taxpayers shall use the said library, the advisory board may, at its discretion, continue the tax herein specified. In case the said tax is not levied, or is discontinued, the library board may issue or sell a certificate or library card to any person resident in such township or townships at such annual fee as may be deemed by it to be fair compensation for such privileges, and such library card shall give the purchaser thereof the same right and privileges as the inhabitants of the city or incorporated town: Provided, That where any township coming under the provisions of this

act owns a township library and levies a library tax therefor, it shall be discretionary with the advisory board of such township whether such tax for such city or town library shall be levied.

SEC. 2. The library board of any public library receiving funds from such township tax levy, shall make and file with the advisory board or boards of such township or townships, not later than the 15th day of January each year, an itemized statement of all the receipts and disbursements of such public library board for the year ending December 31 immediately preceding the making and filing [of] such report.

PUBLIC LIBRARY COMMISSION.

(Act of 1899, as amended by the Acts of 1901, 1903, 1905 and 1911.)

SECTION 1. There is hereby created a Public Library Commission, which shall be composed of three members, appointed by the Governor, who shall serve without compensation except as herein provided, each for the term of four years, except that one of the members first so appointed by the Governor shall be appointed for a term of two years only, and one for one year.

SEC. 2. Said Public Library Commission shall be assigned a permanent office room in the State House, with storage and shipping rooms in the basement of the same sufficient for the performance of its duties. It shall have the custody, control and management of the traveling libraries hereinafter provided for, shall purchase the books and collections of books therefor, and the equipment for the same, shall adopt rules and regulations for loaning such books and collections of books to library associations, and to the persons entitled to borrow the same, and shall provide for and require such security and guaranty for the safe return of such books or collections of books as may be deemed advisable; shall prepare lists of books suitable for public libraries and obtain prices for the same, and furnish such lists when required; shall furnish information or advice as to the organization, maintenance or administration of any library in the state, it shall also provide courses of library instruction, print lists and circulars of information and perform such other service in behalf of public libraries as it may consider for the best interests of the state. The said Commission shall employ a secretary and such other assistants as shall be requisite for the performance of the services above specified, who shall serve under the direction of the Commission. The Commission shall each year obtain reports of all libraries in the state, and on October 31, 1906, the Commission shall make a full report to the Governor as to the library conditions and progress in Indiana. This report, when printed, shall be presented to the General Assembly of the State of Indiana, and biennially thereafter a like report shall be made. These reports shall be printed and bound by the State Printing Board, the same as other public documents, and shall be distributed by the Public Library Commission.

SEC. 3. There is hereby annually appropriated from any funds in the treasury not otherwise specifically appropriated the sum of seven thousand dollars (\$7,000.00)¹ to carry into effect the provisions of this act. All bills incurred by the Commission or by its members and assistants under the law, when approved and certified by the president and secretary of the Commission, shall be presented to the State Auditor, who shall issue warrants therefor upon the State Treasury, which shall be in lieu of all sums now provided by the law for carrying into effect the provisions of this act.

¹Appropriation bill, 1911, provides \$10,000 annually; 1913, \$12,500 annually.

SEC. 4. Any five or more citizens may organize a library association, which on furnishing security satisfactory to said Commission, shall be entitled to the use of the traveling libraries under the rules and regulations of said Commission, and without charge further than all expenses of transportation of said libraries. Any local library, literary or other club, agricultural or other society, grange, college, seminary, university extension center, study circle or other associations, shall have the use of said traveling libraries on furnishing satisfactory security and complying with the rules and regulations as aforesaid.

SEC. 5. (Rendered void by amendment of 1903, section 3, above.)

SEC. 6. The librarian or trustees of any free public library may apply to said Public Library Commission for advice as to all matters pertaining to the organization, maintenance or administration of their library; and said Commission shall give such advice and personal attention as may be necessary.

SEC. 7. The advisory board of any township desiring to establish and maintain a public library open to and for the free use of all the inhabitants thereof, may levy a tax annually of not more than one mill on each dollar of taxable property assessed for taxation in such township. If the advisory board do not make such levy, then, on the written petition of fifty legal voters of any township filed with the county clerk not less than fifteen days prior to a township election, the county board of election commissioners shall cause to be printed on the township ballots for such township the words: "For a township library tax." "Yes." "No." If in the election a majority of the votes cast on said question shall be in the affirmative, the township trustee shall thereafter levy annually a tax of not less than five-tenths of a mill nor more than one mill on each dollar of the property taxable in said township for the establishment and support of a township library free to all inhabitants of such township, which tax shall be levied, assessed, collected and paid as other township taxes are levied, assessed, collected and paid: Provided, That after such library has been established such tax levy shall be discontinued when, under the above provision, the question of discontinuing such levy shall have been submitted to a vote and the majority of the votes cast on said question shall be in the negative: Provided, further, That if there be located in said township a public library open to the use of all the inhabitants thereof, then the proceeds of said tax shall be paid to said public library. Be it further enacted, that in any township outside of cities in which there has been or may hereafter be established by private donations a library of the value of ten thousand dollars or more, including the real estate and buildings used for such library for the use and benefit of all the inhabitants thereof, the township trustee of such township shall annually levy and collect not more than six cents on the hundred dollars, upon the taxable property within the limits of such township, which shall be paid to the trustees of such library, and be applied by them to the purchase of books for said library and to the cost of the maintenance thereof, and said trustee may, with the consent of the board of commissioners of the county, when it shall become necessary to purchase additional ground for the extension or protection of library buildings already established by such

private donation, annually levy and collect not more than five cents on the hundred dollars upon all taxable property of said township for not more than three years successively, which shall be expended by said trustees in the purchase of said property and the erection and enlargement of library building thereon.

SEC. 8. In any township where a free public library is established as above provided, there shall be established a township library board composed of the school township trustee and two residents of the township, to be appointed by the judge of the circuit court (one of whom shall be a woman). Of the first two members of such board so appointed one shall be appointed for a term of two years and one for four years, and thereafter the term of office shall be four years. Such library board shall have control of the purchase of books and the management of such library, and shall serve without compensation. Said library shall be the property of the school township, and the school township trustee shall be responsible for the safe preservation of the same. Said board shall be entitled to the possession and custody of any books remaining in the old township library in such township; and such board shall be empowered to receive donations, bequests and legacies for and on behalf of such library, and shall be entitled to receive from the Public Library Commission and State Librarian copies of all documents of this state available for distribution. Two or more adjacent townships may unite to establish and maintain a public library at the discretion of the advisory boards, and when two or more townships have so united, the combined library boards appointed as herein specified or the board of the public library to which such money is paid as herein provided, shall control the library so established.

SEC. 9. The State Librarian and the Public Library Commission shall supply any library of this state with copies of official documents and publications of the state in his custody available for distribution within the state.

SEC. 10. No member of the Public Library Commission shall be in any way connected with the business of publishing or selling books.

¹ See 1911 law on township extension, p. 10 this pamphlet.

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Important laws of Indiana relating
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